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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,544	06/01/2007	Juerg Hinderling	2235-158	6744

6449 7590 03/10/2008
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EXAMINER

RATCLIFFE, LUKE D

ART UNIT	PAPER NUMBER
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3662

NOTIFICATION DATE	DELIVERY MODE
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03/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 10/583,544	Applicant(s) HINDERLING ET AL.	
	Examiner LUKE D. RATCLIFFE	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Shira (20010050764).

Referring to **claims 1 and 4**, Shira shows a device for measuring the distance to far-off and close objects by which laser beams modulated and emitted by the device are reflecting including a common objective for emitting the laser beams and for collecting rays (figure 1), a means for selecting rays of a cohesive cross sectional region (figure 8A-8C), a receiver for converting selected rays into a single electric signal (paragraph 86), wherein the means are formed in such a way that the at least one second section has at least the dimension of the first section (figure 8A-8C).

Referring to **claim 2**, Shira shows measuring the distance to an object which reflects with orientation wherein the emitted laser beams are in the form of a decollimated bundle of rays (figure 1).

Referring to **claim 3**, Shira shows the means are formed in such a way that the selected cross sectional region has at least two second sections (figure 8A-8C).

Art Unit: 3662

Referring to **claim 5**, Shira shows the means are formed in such a way that the second section has a larger dimension than the first section (figure 8A-8C).

Referring to **claim 6**, Shira shows the means are formed in such a way that the selected cross sectional region tapers starting from the second section toward the first section (figure 8A-8C).

Referring to **claim 7**, Shira shows a device for measuring an object which reflects with orientation and to an object which reflects with scattering wherein for measurement to the object which reflects with scattering the emitted laser beam are in the form of a collimated bundle of rays (figure 1).

Referring to **claim 12**, Shira shows the means for selection are in the form of a reflective, refractive or diffractive optical element (figure 8A-8C).

Referring to **claim 13**, Shira shows a means for selection are in the form of a detector having an elongated active detection area (figure 8A-8C).

Referring to **claim 14**, Shira shows the means for selection are arranged in the vicinity of the focal plane of the objective for collecting rays (figure 1).

Referring to **claim 15**, Shira shows an eyepiece is provided, the eyepiece and the objective forming a telescope for sighting objects (figure 1 Ref 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 3662

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shira (20010050764).

Referring to claims 18 and 19 it would be obvious to have the optical element in the form of a cylindrical lens, free form lens or a metalized light collecting funnel arranged before an entry area of a multimode optical fiber because this is well known and adds no new or unexpected results.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shira (20010050764) in view of Huttman (5116124).

Referring to **claim 9**, Shira shows a device for measuring the distance to far-off and close objects by which laser beams modulated and emitted by the device are reflecting including a common objective for emitting the laser beams and for collecting rays (figure 1), a means for selecting rays of a cohesive cross sectional region (figure 8A-8C), a receiver for converting selected rays into a single electric signal (paragraph 86), wherein the means are formed in such a way that the at least one second section has at least the dimension of the first section (figure 8A-8C). However Shira does not show at least one multimode optical fiber is provided for the transmission of selected rays.

Huttman shows a similar device that shows at least one multimode optical fiber is provided for the transmission of selected rays (figure 7). It would have been obvious to modify Shira to includes the multimode optical fiber as taught by Huttman because this is the use of a known technique to improve similar devices in the same way.

Art Unit: 3662

Referring to **claim 10**, Huttamnn shows the selection are in the form of an endpiece of a multimode optical fiber which endpiece has been squeezed together in an elongated manner.

Claims 11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shira (20010050764) in view of Shira (20020044270).

Referring to claim 11, Shira shows a device for measuring the distance to far-off and close objects by which laser beams modulated and emitted by the device are reflecting including a common objective for emitting the laser beams and for collecting rays (figure 1), a means for selecting rays of a cohesive cross sectional region (figure 8A-8C), a receiver for converting selected rays into a single electric signal (paragraph 86), wherein the means are formed in such a way that the at least one second section has at least the dimension of the first section (figure 8A-8C). However Shira does not show the means for selection are in the form of a diaphragm.

Shira ('270) shows the means for selection are in the form of a diaphragm. It would have been obvious to modify Shira with the diaphragm of Shira ('270) because this is a simple substitution of one known element for another to yield predictable results.

Referring to claim 16, it would have been obvious to have the diaphragm be a slit diaphragm in the form of a crossed-slit diaphragm and in combination with an entry area of a multimode optical fiber because this is well known and adds no new or unexpected results.

Allowable Subject Matter

Art Unit: 3662

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUKE D. RATCLIFFE whose telephone number is (571)272-3110. The examiner can normally be reached on 10:00-5:00 M-Sun.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3662

LDR

/Thomas H. Tarcza/

Supervisory Patent Examiner, Art Unit 3662